

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM McDOWELL,

Plaintiff,

V.

UNKNOWN FEDERAL AGENT, et al.,

Defendants.

CASE NO. 3:24-cv-05768-KKE-DWC

ORDER GRANTING EXTENSION
AND WITHDRAWING REPORT
AND RECOMMENDATION

This prisoner civil rights action has been referred to United States Magistrate Judge

David W. Christel. Before the Court is Plaintiff William McDowell’s Motion for an Extension of Time to Show Cause. Dkt. 14. Plaintiff seeks an additional thirty days to respond to the Court’s Show Cause Order “because the law library computers are out of service.” *Id.* As set forth below, Plaintiff’s Motion (Dkt. 14) is granted and the Report and Recommendation entered on January 7, 2025 (Dkt. 13) is withdrawn.

I. DISCUSSION

Under this Court's Local Rules:

A motion for relief from a deadline should, whenever possible, be filed sufficiently in advance of the deadline to allow the court to rule on the motion prior to the deadline. Parties should not assume that the motion will be granted and must comply with the existing deadline unless the court orders otherwise.

1 Local Rules W.D. Wash., LCR 7(j).

2 On December 3, 2024, the Court ordered Plaintiff to either (1) advise the Court whether
3 he intended to voluntarily dismiss this action despite not being entitled to a refund of the filing
4 fee or (2) respond to the Court's September 27, 2024 Show Cause Order regarding the
5 substantive deficiencies in his *Bivens* claim. Dkt. 12. The deadline for Plaintiff to file his
6 response to the December 3, 2024 Show Cause Order was January 6, 2025. *Id.* Plaintiff's Motion
7 for an Extension of Time to Show Cause was filed the same day his show cause response was
8 due, and it was not entered on the docket until January 8, 2025. Dkt. 14. On January 7, 2025, the
9 undersigned recommended this action be dismissed given Plaintiff's failure to file a timely
10 response to the Show Cause Order. Dkt. 13.

11 Plaintiff should have sought an extension of time to show cause with sufficient time for
12 the Court to grant an extension before the January 6, 2025 deadline expired. *See* Local Rules
13 W.D. Wash., LCR 7(j). Given Plaintiff's status as a *pro se* litigant, however, the Court extends
14 leniency and will withdraw its recommendation of dismissal and grant Plaintiff's request for
15 additional time to show cause.

16 II. CONCLUSION

17 For the reasons stated, the January 7, 2025 Report and Recommendation (Dkt. 13) is
18 withdrawn and Plaintiff's Motion for Extension of Time (Dkt. 14) is granted. The new deadline
19 for Plaintiff to respond to the Court's December 3, 2024 Show Cause Order is February 7, 2025.
20 On or before that date, Plaintiff must accomplish one of the following:

21 1. Advise the Court that he, in fact, intends to voluntarily dismiss this action; or
22 2. Respond to the Court's September 27, 2024 Show Cause Order (Dkt. 7).

1 Failure to accomplish one of the above tasks by the stated deadline will result in a
2 recommendation this action be dismissed.

3 Dated this 8th day of January, 2025.

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6 David W. Christel
7 United States Magistrate Judge
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